

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PARKSIDE VENTURES, et al.,

Plaintiff(s),

No. C 11-3452 PJH

v.

**ORDER OF DISMISSAL**

FEDERAL DEPOSIT INSURANCE  
CORPORATION,

Defendant(s).

The complaint in this matter was filed on July 14, 2011 and a summons was issued for defendant. Also on that date, an order scheduling a case management conference was filed setting the conference for October 13, 2011. The October date was continued to December 8, 2011 by Clerk's Notice of October 4, 2011, and served on plaintiffs electronically by the court's ECF system. Plaintiffs did not file a case management statement as ordered nor did they appear at the conference on December 8, 2011. Additionally, it was noted that more than 120 days had passed since the filing of the complaint and no certificate of service on the defendant had been filed. Thus, an Order to Show Cause ("OSC") why this matter should not be dismissed for failure to prosecute and for failure to serve the defendant was filed on December 8, 2011 and a hearing on the OSC was scheduled for December 21, 2011. Plaintiffs were warned in that order that a further failure to appear would result in a dismissal of the case.

Plaintiffs did not appear at the hearing on December 21, 2011, nor did they otherwise respond to the OSC. Accordingly, given plaintiffs failure to comply with the orders of this court and failure to serve the defendant, the court hereby DISMISSES the complaint for failure to prosecute pursuant to Fed. R. Civ. P. 41 and for failure to serve

1 pursuant to Fed. R. Civ. P. 4. The Clerk shall close the file.

2 **IT IS SO ORDERED.**

3 Dated: December 21, 2011

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6 PHYLLIS J. HAMILTON  
7 United States District Judge  
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